

REMARKS/ARGUMENTS

Claims 1, 3-7, 9-13, 15-16, and 18-24 are pending in the present application. Claims 1, 7, 13, and 16 are amended. Support for the amendments can be found in the specification at least on page 9, lines 13-20. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Asserted Obviousness

The Examiner has rejected claims 1, 3-7, 9-13, 15-16 and 18-24 under 35 U.S.C. § 103(a) as being unpatentable over *Carlton-Foss, Method and System for Processing and Transmitting Reverse Auction Information*, United States Patent No. 6,647,373 B1 (November 11, 2003), (hereinafter, “*Carlton-Foss*”). This rejection is respectfully traversed.

Applicants have amended independent claims 1, 7, and 13. *Carlton-Foss* does not anticipate the combined features of the amended claims. Claim 1 is representative of all independent claims. Claim 1 as amended is as follows:

1. A method for facilitating a request for proposal (RFP) in an electronic marketplace, the method comprising the computer implemented steps of:

posting the RFP in an electronic marketplace;

communicating a portion of the RFP to at least one secondary marketplace participant from a plurality of primary and secondary marketplace participants, wherein the primary marketplace participants are general contractors and the secondary marketplace participants are subcontractors and wherein the subcontractors submit proposals on particular components of the RFP in which they specialize;

providing access to the RFP to the plurality of primary and secondary marketplace participants, wherein access to the RFP is utilized by the at least one secondary marketplace participant from the plurality of primary and secondary marketplace participants to generate a proposal for the portion of the RFP; and

posting the proposal in the electronic marketplace.

The Reference Does Not Teach or Suggest All the Features of Claim 1

Regarding claim 1, *Carlton-Foss* does not teach or suggest all of the features of claim 1 as amended. A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). In the case at hand, not all of the features of the claimed invention are taught or suggested by *Carlton-Foss* to a person of ordinary skill in the art. The Examiner states:

In response, as per claims 1, 7, 13 and 20-24, Carlton-Foss discloses a method for facilitating for proposal (RFP) in an electronic marketplace, the method comprising the computer implemented steps of:

Posting the RFP in an electronic marketplace;

Providing access to the RFP to the plurality of marketplace participants to generate a proposal for the RFP and posting the proposal for the RFP. See column 5, line 32 to column 6, line 9. Carlton-Foss teaches that "[r]equestors are able to view the bids on their requests in order to monitor the progress of the auction and to select zero or more winning proposals. Authorized bidders are able to view selected parts of the bids and responds with revived proposals". See column 6, lines 14-18. While Carlton-Foss does not explicitly state a secondary market makers. Carlton-Foss also states at column 6, lines 42-46 state "[T]his new or modified bid will cause new or modified information to be displayed on the requestor worksheet and the bidder worksheet described below, whether the bid is competitive or not competitive with existing bids".

The Examiner asserts that another authorized bidder related to one or more authorized bidders given the opportunity to submit bid by the one or more bidder is considered as a secondary market maker since the another bidder becomes an authorized bidder who may view selected bids, portions of a bid and submit revised bids as indicated by Carlton-Foss. Furthermore, the assignment of an individual authorizing another individual to perform a task or function is old and well known in the art. Thus, the secondary marketplace participants generating the proposal for a portion of the RFP would have been left with the agreement among the participants as such does not attribute to patentable differences. Furthermore, Carlton-Foss describes and contains all the structural and functional relationships of a computerized system for performing all types of communications functions via the Internet using web pages. Communications among the participants would have been obvious to one of ordinary skill in the art to do so as to share bids information. The different participants modifying or submitting a proposal on behalf of another participant thus becoming first and secondary marketplace participants merely coincides with the nature of communicating information and performing tasks among a plurality of business entities as such would have been obvious to do in the system of Carlton-Foss for the purpose of determining whether or not to modify a previously submitted bid that the business partners would feel comfortable with.

Office Action, dated October 10, 2006, pp. 2-4.

Carlton-Foss does not suggest several features of claim 1 as amended. Particularly, *Carlton-Foss* does not teach or suggest, "primary marketplace participants are general contractors and the secondary marketplace participants are subcontractors and wherein the subcontractors submit proposals on particular components of the RFP in which they specialize", "communicating a portion of the RFP to at least one secondary marketplace participant from a plurality of primary and secondary marketplace participants", and "wherein the access to the RFP is utilized by the at least one secondary marketplace participant from the plurality of primary and secondary marketplace participants to generate a proposal for the portion of the RFP" features as recited in amended claim 1.

In particular, *Carlton-Foss* teaches the process of a reverse auction where multiple bidders can post proposals, or bids, for a requester's request (col. 3, ll. 14-17). *Carlton-Foss* teaches a system for managing the various aspects of the bids, updating bid displays based upon the bidder's authorization, and managing the timing aspect to the bids (col. 5, ll. 21-31). However, *Carlton-Foss* does not teach or suggest the feature, "communicating a portion of the RFP to at least one secondary marketplace participant from a plurality of primary and secondary marketplace participants, wherein the primary marketplace participants are general contractors and the secondary marketplace participants are subcontractors and wherein the subcontractors submit proposals on particular components of the RFP in which they specialize" as claimed in amended claim 1.

The Examiner asserts above that "another authorized bidder related to one or more authorized bidders given the opportunity to submit bid by the one or more bidder is considered as a secondary market maker since the another bidder becomes an authorized bidder who may view selected bids, portions of a bid and submit revised bids as indicated by *Carlton-Foss*". However, *Carlton-Foss* does not teach or suggest that another authorized bidder is a subcontractor capable of submitting proposals on particular components of the RFP in which they specialize as recited in the features of amended claim 1.

The Examiner further states "that the assignment of an individual authorizing another individual to perform a task or function is old and well known in the art". Even if, *arguendo*, the Examiner's statement that subcontracting is well known in the art is true, the ability for subcontractors to submit proposals on particular components of the RFP via an electronic post as claimed in claim 1 is novel and non-obvious. Current methods for employing RFP's do not allow non-prime contacts to respond to RFP's (Specification, page 1, ll. 21-22). The features of claim 1 specifically address this problem.

Additionally, the Examiner states:

Further, *Carlton-Foss* describes and contains all the structural and functional relationships of a computerized system for performing all types of communications functions via the Internet using web pages. Communications among the participants would have been obvious to one of ordinary skill in the art to do so as to share bids information.

Office Action, dated October 10, 2006, p. 3.

However, *Carlton-Foss* only shows a plurality of workstation terminals indicating that a number of bidders may be able to access the reverse auction system. *Carlton-Foss* provides no distinction between workstation terminals as being used by a primary market participant or a secondary market participant. Further, *Carlton-Foss*' entire disclosure provides no reason to distinguish the workstations in this manner. *Carlton-Foss*' method and system for reverse auction does not depend on such a distinction between the bidders. *Carlton-Foss* teaches maintaining a "specified list of bidders," (*Carlton-Foss*, col. 5, l. 66); and that the "authorized bidders are able to view selected parts of the bids and respond to revised

proposals,” (*Id.*, col. 6, ll. 14-16). However, neither of these teachings suggest the Examiner’s extrapolation that the bidders are separated by the nature of the markets in which they participate. Therefore, *Carlton-Foss*’ disclosure contains no teachings or suggestions of primary and secondary market participants as recited in amended claim 1.

Therefore, *Carlton-Foss* does not teach or suggest the feature, “wherein the primary marketplace participants are general contractors and the secondary marketplace participants are subcontractors and wherein the subcontractors submit proposals on particular components of the RFP in which they specialize” as recited in claim 1. Additionally, *Carlton-Foss* lacks any teaching or suggestion of the feature, “communicating a portion of the RFP to at least one secondary marketplace participant from a plurality of primary and secondary marketplace participants,” as recited in claim 1.

Because *Carlton-Foss* lacks any disclosure of the primary and secondary nature of the markets and marketplace participants, *Carlton-Foss* also cannot teach or suggest the feature, “wherein the access to the RFP is utilized by the at least one secondary marketplace participant from the plurality of primary and secondary marketplace participants to generate a proposal for the portion of the RFP” as claimed in claim 1. Claim 1 particularly recites a secondary marketplace participant, utilizing the access to the RFP provided in the method of claim 1, for generating a proposal only for a portion of the RFP in question. *Carlton-Foss*, in the entire disclosure, discloses no secondary marketplace, no secondary marketplace participant, and no partial response to a RFP from a secondary marketplace participant.

Consequently, *Carlton-Foss* does not teach or suggest every element of the claimed invention arranged as they are in amended claim 1. Therefore, amended claim 1 is not obviousness in view of *Carlton-Foss*.

Carlton-Foss also does not teach or suggest the features of claims 7 and 13 as amended because these independent claims have features similar to those in amended claim 1. Claims 3-6, 9-12, 15-16, and 18-24 also are not obvious in view of *Carlton-Foss* for the same reasons as the independent claims because they depend from these independent claims. Therefore, the rejection of claims 1, 3-7, 9-13, 15-16, and 18-24 under 35 U.S.C. § 103(a) has been overcome.

II. Conclusion

It is respectfully urged that the subject application is patentable over *Carlton-Foss* and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Rakesh Garg/

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